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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/772,259	12/23/96	MASAKI K	1185.1018/JD

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MM11/1204

EXAMINER
NGUYEN, T

ART UNIT	PAPER NUMBER
2872	15

DATE MAILED: 12/04/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**08/772,259**

Applicant(s)  
**Masaki et al**

Examiner  
**Thong Q. Nguyen**

Group Art Unit  
**2872**



☒ Responsive to communication(s) filed on Nov 6, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-7 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-7 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### ***Continued Prosecution Application***

The request filed on 11/06/98 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/772,259 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Specification***

The lengthy specification which is amended by the Amendments of 02/19/98 and 11/06/98 has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as described at pages 1-5 and illustrated in figures 11-12 in view of Gloor et al or Ishikawa et al (all of record).

The optical device as provided by the prior art which is described in the present specification at pages 1-5 and illustrated in figs. 11-12 comprises 1) a light source apparatus having a lamp (7) and a reflector (8); 2) a light guide plate (2) having a light entrance surface, an inclined bottom surface decreasing away from the light entrance surface, an exit surface opposite

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from the inclined bottom surface; 3) a reflecting plate (4) disposed adjacent to the inclined bottom surface of the light guide plate; 4) a light control plate (5) having an emitting surface and an entrance surface which defines a prismatic surface which entrance surface faces the exit surface of the light guide plate; and 5) a diffusing plate (6) disposed on the top of the light control plate. As a result of such a structure, the optical device of the prior art meets almost the structure of the device as claimed in the present application. However, the optical device of the prior art does not disclose that at least part of the slopes of the prismatic surface of the light control plate defines a diffusing surface for the purpose of generating diffused light passing through the light control plate towards the emitting surface of the light control plate as claimed.

The use of a light control plate having a surface which defines a diffusing surface is disclosed in the art as can be seen in the light control device disclosed by either Gloor et al or Ishikawa et al. In particular, Gloor et al disclose an optical device having a light control plate having a plurality of projections in triangular shape wherein one slope of each projections is used as a diffusing surface. See columns 2-3 and fig. 2, element 26 which diffusing strips 10A-10K. It is also noted that the light diffusing surface is arranged to face the light source (9). In the same viewpoint, Ishikawa et al disclose a light control plate and teach the use of a light diffusing profile on a prismatic surface. See column 3 and figure 7. Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the optical device having a diffusing function as provided by the prior art by making the light diffusing profile on the prismatic surface of the light control plate as suggested by either Gloor et al or Ishikawa et al for the purpose of

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controlling a diffusing light beam and simultaneously reducing the light effects of the reflecting sheet while also obtaining the advantage of reduction of the components used in the optical device.

***Response to Arguments***

Applicant's arguments filed on 11/06/98 have been fully considered but they are not persuasive for the following reasons.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant has provided his opinion for each of the secondary references, i.e., the patent issued to Gloor et al and the patent issued to Ishikawa et al, and then concluded that neither Gloor et al nor Ishikawa et al teaches the reduction of light effects of a reflecting element used in the inventive device. The Examiner respectfully disagreed with applicant's viewpoint. Applicant should note that each of the Gloor et al and Ishikawa et al is used as a secondary reference in combination with the light source device of the prior art described at pages 1-5 and shown in figs 11-12 which prior art is used as the primary reference. The structure of the light system of the primary reference meets all of the limitations of the device as claimed except the formation of diffusing elements/layers on the repeated projections (or the prismatic surface) formed on the entrance side of the light control element. Gloor et al and Ishikawa et al is used in the combination to show one skilled in the art

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the formation of such diffusing elements/layers on the projections (or prismatic surface) of a light control element. As such a combination the light control element with an entrance prismatic surface wherein diffusing elements are formed on the prisms/projections of the combined product provided by the prior art and Gloor et al (or Ishikawa et al) will inherently reduce the light effect of the light reflecting element.

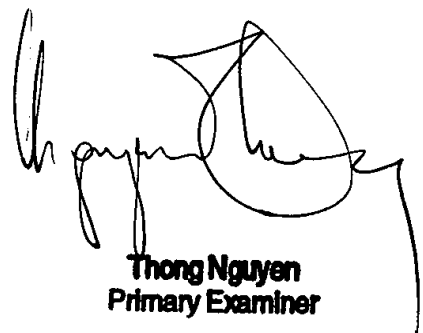
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exam. Nguyen whose telephone number is (703) 308-4814. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722 (or 7724).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Nguyen

12/02/98



**Thong Nguyen**  
**Primary Examiner**